

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARDS OF TRUSTEES OF THE
LOCAL 191 I.B.E.W. HEALTH AND
WELFARE TRUST FUND et al.,

Plaintiffs,

v.

TRI COUNTY ELECTRICAL SERVICES,
LLC,

Defendant.

CASE NO. 2:23-cv-01571-TL

ORDER ON PROOF OF SERVICE


On February 14, 2025, the Clerk of Court issued an order finding Defendant in default. Dkt. No. 20. On March 27, 2025, Plaintiffs filed a motion for default judgment against Defendant. Dkt. No. 23.

When Plaintiffs requested that Defendant be placed in default, Plaintiffs attached to their motion a declaration from Noelle Dwarzski, their attorney. *See* Dkt. Nos. 18 (motion), 19 (Dwarzski Decl.). Dwarzski asserted that, “On November 5, 2023, [Defendant] was served with a copy of the summons and complaint.” Dkt. No. 19 ¶ 2. Dwarzski cited Docket No. 6 to

1 substantiate the assertion. Docket No. 6, however, is Defendant's Notice of Appearance, not an
2 affidavit of service or a returned waiver of service. *See* Dkt. No. 6. The Court's review of the
3 docket in this case reveals that, although Defendant has made numerous submissions to the
4 Court, including four stipulated motions to continue its deadline to answer Plaintiffs' complaint
5 (Dkt. Nos. 8, 10, 12, 14) and a joint status report (Dkt. No. 16), there is no docket entry that
6 definitively establishes that Defendant was effectively served process. *See W. Wash. Painters*
7 *Defined Contribution Pension Plan Tr. v. Capitol City Enters., Inc.*, No. C07-5190, 2007 WL
8 1821055, at *1 (W.D. Wash. June 19, 2007) (rejecting "Defendants' counsel's notice of
9 appearance providing for service, not including original process, on counsel," as sufficient
10 evidence of service of process).

11 Therefore, to clarify this Court's exercise of personal jurisdiction over Defendant,
12 Plaintiffs are ORDERED to submit proof that Defendant was served process under Federal Rule of
13 Civil Procedure 4, **no later than April 18, 2025.**

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15 Dated this 15th day of April 2025.

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18 Tana Lin
19 United States District Judge
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